IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10377 of 2005

Between:

Abhimanyu S/o. Late Bindulal,
R/o. Aam Bazar, Yellandu (V & M) Khammam District.

..... PETITIONER

AND

Indian Oil Corporation Ltd, Rep. by its Senior Divisional,
Divisional Office, G.V.R. Towers, 3rd Floor, Bharathi Nagar, Ring Road,
Vijayawada, Krishna District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of Mandamus declaring the action of the respondent and its staff and its nominees in taking steps to include land of the petitioner for the purpose of installation of petrol and diesel bunk situated in Sy.No. 609/43 main road, Yellandu (V & M), Khammam District as illegal, arbitrary, without authority and violative of principles of natural justice and consequently direct respondent and its staff not to dispossess the petitioner from his land admeasuring Ac. 2-35 gts, in Sy.no. 609/43 situated at Main road, Yellandu (V & M) Khammam District.

Counsel for the Petitioner: MR.M.V.HANUMANTHA RAO

Counsel for the Respondent: MR.P.V.SANJAY KUMAR

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondent and its staff and nominees in taking steps to include the land of the petitioner for the purpose of installation of petrol and diesel bunk situated in Sy.No.609/43 Main Road, Yellandu (V&M), Khammam District as illegal and arbitrary.

Heard the learned counsel for both the parities and perused the material on record.

As seen from the facts, it is essentially a dispute relating to common law, and public law remedy is not involved. Therefore, the remedy of the petitioner is otherwise.

In the result, the writ petition is dismissed leaving open to the petitioner all the remedies as may be available under law. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

29th April, 2005

bcj

To

1 The Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd, Divisional Office, G.V.R. Towers, 3rd Floor, Bharathi Nagar, Ring Road, Vijayawada, Krishna District.

2) Two CD copies